

Part B Compliance:

THE LIST **JANUARY 2016**

- ☐ Remember the days in your Holiday Break (including the weekends) are **ACCEPTABLE EXTENSIONS** to the 60 day initial and reevaluation timelines.
- ☐ **FUNCTIONAL PERFORMANCE** must be included in the Present Level for all students. The model IEP includes a definition of functional performance to assist special education staff to develop a comprehensive PLAAFP (Present Level of Academic Achievement and Functional performance).
- ☐ **ACT** accommodation requests are due to ACT no later than January 22, 2016. LEAs must submit accommodation requests with accompanying documentation supporting each request. The LEA will be notified of the outcome of the request. If denied, the LEA has the opportunity to appeal the decision by providing additional documentation. Remember that in Missouri, only the ACT approved accommodations can be provided to the student during the administration of the ACT on April 19, 2016.
- ☐ The testing window for the **ACCESS for ELLs** is open between January 11 and March 1, 2016. Be sure to refer to Form D-Part 5: State Accommodations for ACCESS for ELLs for student specific accommodations. Remember that the ACCESS for ELLs now offers an alternate version for ELLs who are eligible to participate in the MAP-A.
- ☐ The National Assessment of Educational Progress (**NAEP**) will be administered to selected students in selected LEAs during second semester. Please refer to Form D-Part I: State Assessments for student specific guidance and accommodations.
- ☐ 86% of **COHORT 1** LEAs submitted documentation to clear their I-CAPs by December 31, 2015. This should be a priority for the 25 LEAs who have not yet accomplished this task. LEAs who are required to complete follow-up timeline collections should be working to gather and monitor data related to initial evaluation or C to B transition timelines. Follow-up timelines are due in IMACS no later than March 20, 2016. Cohort 1 LEAs should also be working to provide the samples of systemic compliance prior to April 1, 2016 in order to clear their CAP. Please visit with your Compliance Supervisor or Consultant if you have questions or need assistance.
- ☐ **COHORT 2** LEAs should be conducting the self-assessment file reviews which are due in IMACS no later than February 1, 2016. Also be collecting data on all initial evaluations and Part C to Part B transitions completed between July 1, 2015 and April 30, 2016. These are due in IMACS on May 15, 2016. The Parent Survey will be sent in an email to all Cohort 2 LEAs during the month of January. This data is used in your LEA's Special Education Profile. Note that a summary of your LEA's survey results will be provided to assist in program planning at the LEA level. Please visit with your Compliance Supervisor or Consultant if you have questions or need assistance with any of these monitoring activities.
- ☐ **COHORT 3** LEAs should be planning for professional development to maintain compliance and improve outcomes for students with disabilities. Remember that "mock" file reviews can be conducted in IMACS as a training opportunity for LEA staff. Visit with your Compliance Consultant to arrange training opportunities in your LEA.

□ The Compliance Team meets monthly to review and analyze **DATA AND RESOURCES** related to compliance. We wanted to share a few highlights from this month's Team Meeting as a means of informing LEAs and school staff in the field of trends and issues as well as implications for practice.

OSEP Guidance Letter Highlight

Letter to Clarke
March 8, 2007



- Educational performance is not limited to "academic" performance
- Reiterates the 2-prong test for eligibility
 - Have one of the categories of disability under IDEA
 - Because of the disability, need special education and related services
- IDEA requires that FAPE be provided to a student with an IEP. LEAs must consider the impact of any absences (provider absences, child absences, or cancellation of school/class due to weather/school activities, etc.) on the child's ability to continue to progress and meet annual IEP goals. Whether missed services constitute a denial of FAPE must be made on a case-by-case basis.



Issues in Child Complaint CAPs

Noncompliance Issue	Decision Dates
Comparable services	July
Implement IEP and BIP as written	July, Aug, Nov, Dec
Provide prior written notice	July, Oct, Dec
Respond to parent request for sped eval	July, Aug
Provide copy of IEP in timely manner	Aug, Oct
Apply appropriate eligibility criteria	Aug
ESY decisions	Sept
Review/Revise IEP	Sept
FERPA – allow access to records	Sept
Respond to request for an IEE	Sept
Conduct triennial evaluation	Oct
Hold annual IEP meetings	Oct
C to B: IEP in place by 3 rd birthday	Nov
Transfer process	Dec

11/2/2015

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Link to the full OSEP letter:

<http://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/clarke030807disability1q2007.pdf>

Implications:

1. Grades and academic scores are not the sole criteria when considering the adverse educational impact of a student's disability and need for special education and related services
2. LEAs need to have a procedure to consider the impact of missed services on a child's progress and performance and determine how to ensure the continued provision of FAPE in order for the child to continue to progress and meet the annual goals in his or her IEP.



This chart shows the issues that were found out of compliance during child complaint investigations during the 2015-16 school year to date.

LEAs are encouraged to review their procedures and practices related to these issues. Remember that your RPDC Compliance Consultant is available to provide technical assistance for these issues as well.